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20 *NeoGenesis, Inc.*

21 **UNITED STATES DISTRICT COURT**  
22 **FOR THE DISTRICT OF NEVADA**

23 OSMOSIS LLC, a Colorado Limited  
24 Liability Company,

25 Plaintiff ,  
26 vs.

27 BIOREGENERATIVE SCIENCES, INC. a  
28 Nevada Corporation; and NEOGENESIS,  
INC., a Nevada Corporation.

Defendants.

Case No.: 2:17-cv-02430-JAD-CWH

**STIPULATION AND [PROPOSED]  
ORDER TO EXTEND THE TIME FOR  
DEFENDANTS TO RESPOND TO  
PLAINTIFF'S MOTION TO STRIKE  
DEFENDANTS' AMENDED ANSWER  
TO COMPLAINT AND  
COUNTERCLAIM AND DISMISS  
DEFENDANTS' COUNTERCLAIMS,  
OR IN THE ALTERNATIVE, TO  
STRIKE COUNTERCLAIM  
PARAGRAPHS 49-53 (ECF NO. 32)**

29 (First Request) ECF No. 38

30 Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and District of Nevada Local  
31 Rule IA 6-1, Plaintiff Osmosis, LLC ("Plaintiff") and Defendants BioRegenerative Sciences, Inc. and  
32 NeoGenesis, Inc. ("Defendants") state the following:

1 Plaintiff's Motion to Strike Defendants' Amended Answer to Complaint and Counterclaim  
2 and Dismiss Defendants' Counterclaims, or in the alternative, to Strike Counterclaim Paragraphs 49-  
3 53 (ECF No. 32) (the "Motion") was filed on October 19, 2018.  
4

5 Good cause exists for the requested extension of time. The parties have been involved in a  
6 series of depositions relative to this case since October 15, 2018. Because of the amount of time  
7 required to prepare for, conduct, and defend said depositions, Defendants sought additional time to  
8 oppose the Motion. On November 1, 2018, during one of the depositions, the parties specifically  
9 agreed to extend the response and reply deadlines for the Motion to November 9, 2018 and  
10 November 16, 2018, respectively. The parties further agreed to leave the December 3, 2018 hearing  
11 as set by the Court. The parties agreed to the extension in writing on November 2, 2018 through  
12 email correspondence.  
13

14 Accordingly, Defendants have requested, and Plaintiff has agreed to grant an extension of  
15 time up to and including November 9, 2018, to file an opposition to the Motion. Likewise, the  
16 parties have agreed to grant an extension of time up to and including November 16, 2018, for  
17 Plaintiff to file a reply to the Defendants' opposition.  
18

19 Due to inadvertence, a stipulation was not filed with the Court before the Court entered its  
20 minute order regarding the same. (ECF No. 37).  
21

22 Furthermore, pursuant to the Court's minute order, Defendants will refile their amended  
23 answer and counterclaim as proposed in ECF No. 13-1.  
24

25 In response, Plaintiff intends on filing a motion to dismiss that in sum and substance will be  
26 identical to ECF No. 35.  
27

28 Accordingly, the parties believe that judicial economy will be best served by vacating the  
Court's minute order, ECF No. 37, and permitting Defendants up to and including November 9,  
2018, to file an opposition to the Motion, that Plaintiff shall have up to and including November 16,

1 2018, to file a reply to the Defendants' opposition, and that the hearing on December 3, 2018 not be  
2 vacated.  
3

4 **IT IS SO AGREED AND STIPULATED:**

5 ALVERSON TAYLOR  
6 & SANDERS  
7

8 By: /s/ Adam R. Knecht  
9

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27 By: /s/ Dylan T. Ciciliano  
28

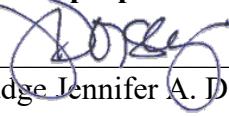
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34 *Attorneys for Plaintiff Osmosis, LLC*

35 **ORDER**

36 Based on the parties' stipulation [ECF No. 38], IT IS HEREBY ORDERED that the Clerk of  
37 Court is instructed to **VACATE the minute order at ECF No. 37**. However, the parties'  
38 agreement that defendants will file their amended answer and counterclaim as proposed at ECF  
39 No. 13-1 changes the judicially economical way to approach this case. Instead of reinstating a  
40 motion to dismiss an answer and counterclaim that will be mooted by the filing of the new one,  
41 IT IS HEREBY ORDERED that **Defendants have until November 21, 2018, to file their  
42 amended answer and counterclaim in the format proposed in ECF No. 13-1**; the Motion to  
43 Strike Defendants' Amended Answer to Complaint and Counterclaim and Dismiss Defendants'  
44 Counterclaims [ECF Nos. 34, 35] is instead DENIED as moot, and Plaintiff will have 10 days  
45 after the filing of the amended answer and counterclaim to file a new motion to dismiss it.  
46 The 12/3/18 hearing VACATED by minute order at ECF No. 37 will remain VACATED, and  
47 after the new motion to dismiss is filed, the Court will consider whether a hearing on that new  
48 motion is necessitated.

49 The parties are cautioned that any stipulated extensions of time are ineffective unless and  
50 until approved by the court, L.R. 7-1(b), and the court will not vacate further orders based  
51 on agreements not memorialized by a filed stipulation and proposed order.

52   
53 U.S. District Judge Jennifer A. Dorsey  
54 Dated: November 18, 2018